

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 20 2018 ★

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
YAMILSE GONZALEZ,

Case No. 18 cv 6328 BROOKLYN OFFICE

Plaintiff,

VERIFIED ANSWER

-against-

MARIA LILIANA MONTOYA,

Defendant.
-----X

PLEASE TAKE NOTICE that Defendant, Maria Liliana Montoya, pro se, as and for her Answer to the complaint, answer as follows:

1. Defendant denies the allegations in the Complaint, in paragraphs: 2, 4, 13, 14, 15, 17, 18, 20, 22, 24, 27-31, 33, 34, 37-39, 41-46, 49, 51, 52, 55-57, 63-65, 67-70, 72-75, and 78-82 ;
2. Defendant(s) lacks knowledge or information sufficient to form a belief as to paragraphs: 3-5, 8-11, 23, 36, 48, 50, 54, 59-62, and 77;
3. Defendant(s) admits in part and denies in part, the allegations contained in paragraphs: **1** (admits only that plaintiff accepted a position with defendant to provide care for her son with a disability.); **6** (admits only that plaintiff is an adult); **7** (admits only that plaintiff is an adult); **16** (admits only that Ms Gonzalez cooked meals); **19** (admits only that defendant advised plaintiff she made too many mistakes); **21** (admits only that plaintiff was paid \$500.00 weekly); **25** (admits only that plaintiff was allowed to leave the apartment); **26** (admits only that plaintiff was permitted to leave the apartment to accompany defendant's child); and **32** (admits only that plaintiff left the apartment and did not return).
4. Defendant(s) admits the allegation in paragraph 12.

FIRST AFFIRMATIVE DEFENSE

5. The Court lacks subject matter jurisdiction over the defendant.

SECOND AFFIRMATIVE DEFENSE

6. The Court lacks personal jurisdiction over the defendant.

THIRD AFFIRMATIVE DEFENSE

7. Defendant, hired plaintiff on June 8, 2017 to start on June 9, 2017. The agreement was for plaintiff to be paid \$500.00 a week, plus room, board and food. Except for the week of June 9, 2018, in which she was being trained by plaintiff, she was paid \$500.00 a week. (Annexed as **Exhibit A** are copies of receipts of payment from June 9, 2018 to August 27, 2018).

FOURTH AFFIRMATIVE DEFENSE

8. Plaintiff's usual hours of employment was from 10 p.m. to 1 a.m.. From 1 a.m. to 6 a.m., she would sleep in the child's room, in case she was needed. At 7 a.m. plaintiff, as part of her employment, would prepare breakfast for the child, during school hours, in June. From 7:30 a.m. to 3:00 p.m. plaintiff had personal time. Plaintiff worked 6 days a week, Monday through Saturday; with Sunday her personal day.

FIFTH AFFIRMATIVE DEFENSE

9. Plaintiff, unfortunately, was woefully deficient and neglectful in her duties, as they pertained to defendant's child. On several occasions, in June, while defendant's child was in school, plaintiff sent him to school without administering to him, his medication. This resulted in the school having to administer the child's insulin, during school hours. (Annexed as **Exhibit B** is a note from the school nurse, Ashley Thomas).
10. Defendant terminated plaintiff's employment at the end of August 2017, for cause.
11. Plaintiff advised defendant, that she had nowhere to go, because she came here on a work visa. Plaintiff asked of defendant, if she can stay in the apartment, until she found another place to live. It was at this point, that the parties agree that plaintiff could stay in the apartment, and pay defendant weekly rent, of \$400.00.
12. Plaintiff left at the end of September 2017. Unfortunately, plaintiff never paid defendant be agreed-upon rent money.

SIXTH AFFIRMATIVE DEFENSE

13. Plaintiff received her last payment on August 27, 2017, in the amount of \$500.00.

(Exhibit A)

14. Plaintiff acquiesced by accepting defendant's offer to stay in apartment after Plaintiff employment was terminated.

SEVENTH AFFIRMATIVE DEFENSE

15. Plaintiff lived in a luxurious and clean apartment during her time working for defendant, in 2017. (Annexed as **Exhibit C** are photos of defendant's apartment).

16. Contrary to the claims of plaintiff, she had plenty of time to enjoy the outdoors, while employed by defendant. (**Annexed as Exhibit D** are photos of plaintiff).

EIGHTH AFFIRMATIVE DEFENSE

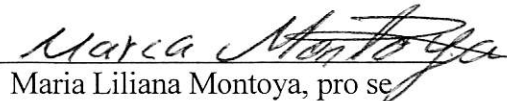
17. The Plaintiff's action is barred by the doctrine of unclean hands as a result of, *inter alia*, the actions of Plaintiff, in her fraudulent misrepresentations and promises to defendant, Maria Liliana Montoya.

WHEREFORE, the Defendant respectfully request that Plaintiff take nothing by this proceeding, and the Complaint be dismissed, and for such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Defendant's hereby demand a trial by jury of all issues so triable.

Dated: Queens, New York
December , 2018



Maria Liliana Montoya, pro se

TO: Urban Justice Law Center
123 William Street, 16th fl.
New York, N.Y. 10038
Attn. S. Tito Sinha

VERIFICATION

Maria Liliana Montoya, pro se, being duly sworn, deposes and says:

I have read the forgoing Verified Answer and know the contents are true to my own knowledge except as to those matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.


Maria Liliana Montoya, pro se

Sworn to before me this

17 day of December 2018


NOTARY

Virginia Ivanova
Notary Public, State of New York
No. 021V6088287
Qualified in Queens County
Commission Expires 03/03/2019



CERTIFICATE OF SERVICE

I, Maria L. Montoya , hereby certify that I mailed a copy of my answer via first class mail to:


URBAN JUSTICE CENTER
S. TITO SINHA
URBAN JUSTICE CENTER
123 William Street, 16th Floor
New York NY 10038

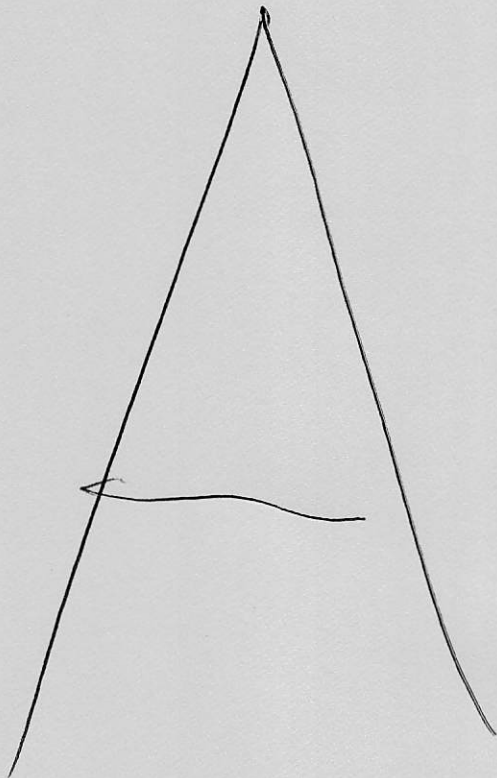
And

Nicolas W. tapert
Super Law Group, LLC
180 Madison Lane, Suite 603
New York NY 10038

This 12th day of December, 2018

Respectfully submitted,


Maria L. Montoya
112-45 39th Street Apt 3H
Corona New York 11368



RECEIPT

NO. 06-25-20 17

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰ DOLLARS

quinientos Dolares

☐ FOR RENT
☒ FOR cuidado del niño y oficio en casa

ACCOUNT	<input checked="" type="checkbox"/> CASH	FROM	TO
PAYMENT	<input type="checkbox"/> CHECK		
BAL. DUE	<input type="checkbox"/> MONEY ORDER		

BY Maria Mica Montoya

RECEIPT

NO. 06-18-2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰ DOLLARS

quinientos Dolares

☐ FOR RENT
☒ FOR cuidado del niño y oficio en casa

ACCOUNT	<input checked="" type="checkbox"/> CASH	FROM	TO
PAYMENT	<input type="checkbox"/> CHECK		
BAL. DUE	<input type="checkbox"/> MONEY ORDER		

BY Maria Mica Montoya

RECEIPT

NO. 06-11-2017

RECEIVED FROM Hamilse Gonzales \$ 300⁰⁰ DOLLARS

trecientos Dolares

☐ FOR RENT
☒ FOR cuidado del niño y oficio en casa

ACCOUNT	<input checked="" type="checkbox"/> CASH	FROM	TO
PAYMENT	<input type="checkbox"/> CHECK		
BAL. DUE	<input type="checkbox"/> MONEY ORDER		

BY Maria Mica Montoya

A

RECEIPT

NO. _____ 07-16 2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰

quinientos Dolares DOLLARS

☐ FOR RENT
☒ FOR Cuidado del niño y- oficio en casa

ACCOUNT			<input checked="" type="checkbox"/> CASH	FROM _____ TO _____
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Maria Lilitana Montoya</u>

RECEIPT

NO. _____ 07-09 2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰

quinientos Dolares DOLLARS

☐ FOR RENT
☒ FOR Cuidado del niño y- oficio en casa

ACCOUNT			<input checked="" type="checkbox"/> CASH	FROM _____ TO _____
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Maria Lilitana Montoya</u>

RECEIPT

NO. _____ 07-02- 2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰

quinientos Dolares DOLLARS

☐ FOR RENT
☒ FOR Cuidado del niño y- oficio en casa

ACCOUNT			<input checked="" type="checkbox"/> CASH	FROM _____ TO _____
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Maria Lilitana Montoya</u>

RECEIPT

NO. _____ 08-06-2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰

quinientos Dolares DOLLARS

☐ FOR RENT
☒ FOR cuidado del niño y. oficio en casa

ACCOUNT			<input checked="" type="checkbox"/> CASH	FROM _____ TO _____
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Maria Liana Montoya</u>

RECEIPT

NO. _____ 07-30-2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰

quinientos Dolares DOLLARS

☐ FOR RENT
☒ FOR cuidado del niño y. oficio en casa

ACCOUNT			<input checked="" type="checkbox"/> CASH	FROM _____ TO _____
PAYMENT			<input type="checkbox"/> CHECK	
BAL. DUE			<input type="checkbox"/> MONEY ORDER	BY <u>Maria Liana Montoya</u>

ECEIPT

NO. _____ 07-23-2017

RECEIVED FROM Hamilse Gonzales \$ 500⁰⁰

quinientos Dolares DOLLARS

☐ FOR RENT
☒ FOR cuidado del niño y. oficio en casa

ACCOUNT			<input checked="" type="checkbox"/> CASH	FROM _____ TO _____
PAYMENT			<input type="checkbox"/> CHECK	

64

D

RECEIPT

NO. _____ 08-27 2017

RECEIVED FROM Yamilse Gonzales

quinientos Dolares

\$ 500.00 DOLLARS

FOR RENT ☐ FOR ☒ CASH ☐ CHECK ☐ MONEY ORDER

ACCOUNT ☐ PAYMENT ☐ BAL. DUE ☐

FROM _____ TO _____

BY Maria L. Maria Montoya

RECEIPT

NO. _____ 08-20-2017

RECEIVED FROM Yamilse Gonzales

quinientos Dolares

\$ 500.00 DOLLARS

FOR RENT ☐ FOR ☒ CASH ☐ CHECK ☐ MONEY ORDER

ACCOUNT ☐ PAYMENT ☐ BAL. DUE ☐

FROM _____ TO _____

BY Maria L. Maria Montoya

RECEIPT

NO. _____ 08-13 2017

RECEIVED FROM Yamilse Gonzales

quinientos Dolares

\$ 500.00 DOLLARS

FOR RENT ☐ FOR ☒ CASH ☐ CHECK ☐ MONEY ORDER

ACCOUNT ☐ PAYMENT ☐

FROM _____ TO _____

BY Maria L. Maria Montoya

B

To whom it may concern,

This is a letter from the school nurse, Ashley Thomas. I was not there at the time of the incident but I pulled up school records from that time. On June 14, 2017, A.F initially came at 10:34Am-10:50Am for water then returned to class. Later at 12:30PM-12:41PM, he was given 3 units of insulin. Mom came on 11/30/18 to state that on this day "Mom was at work, Angel was with the babysitter and the babysitter sent him to school without giving him his insulin in the morning".

If you have any questions, my number is 718-760-3233.

Sincerely,

Ashley Thomas, Public Health Nurse

B

A large, handwritten mark in black ink, resembling a stylized letter 'C' or a signature. It starts with a small loop at the top right, curves down and to the left, then curves back up and to the right, ending in a small hook.



C



C



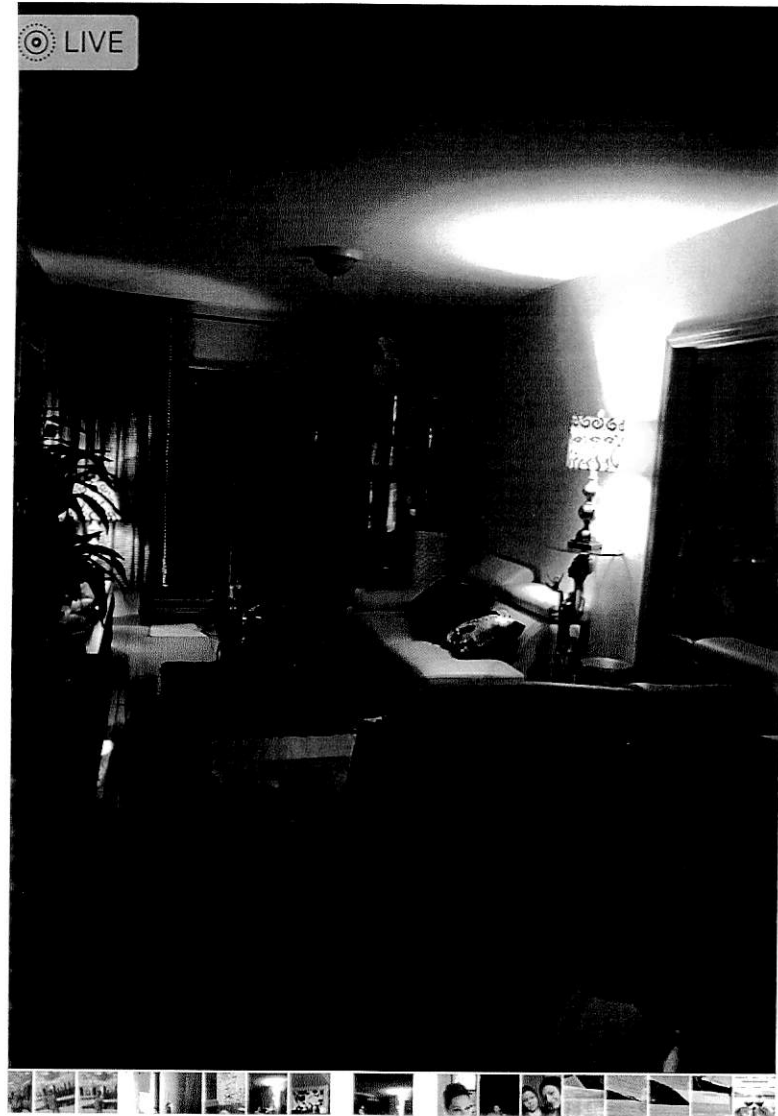
C



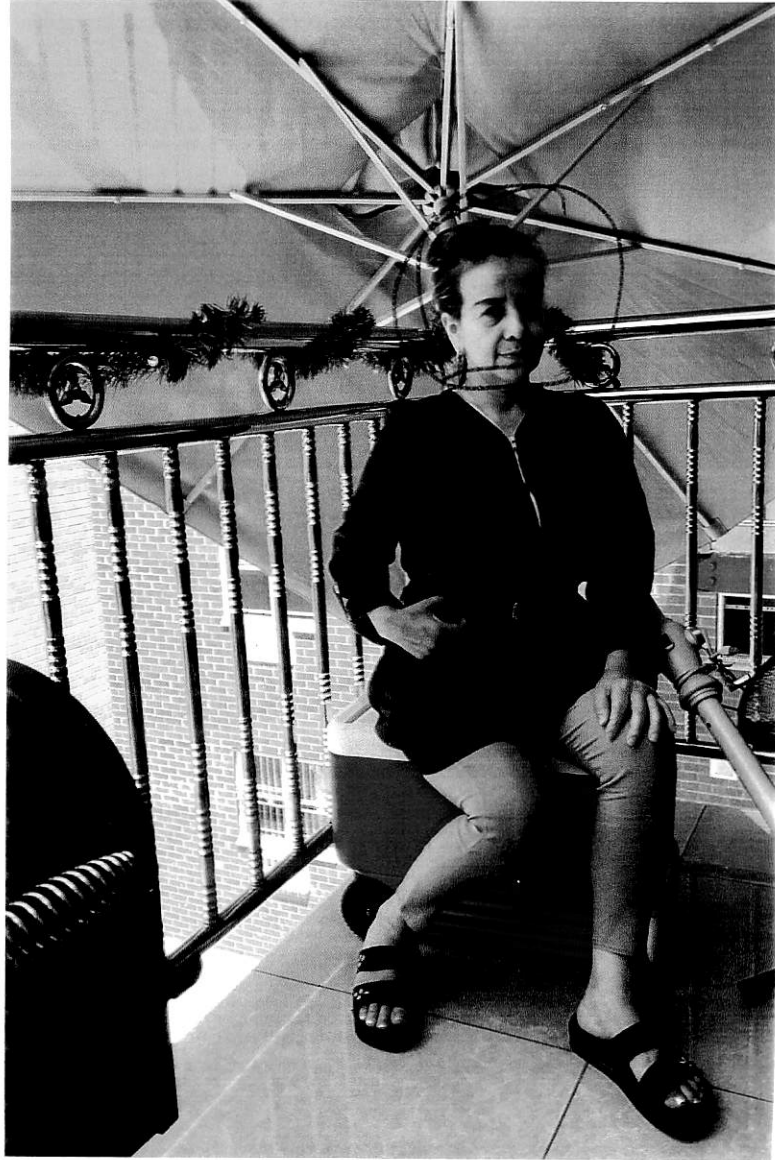
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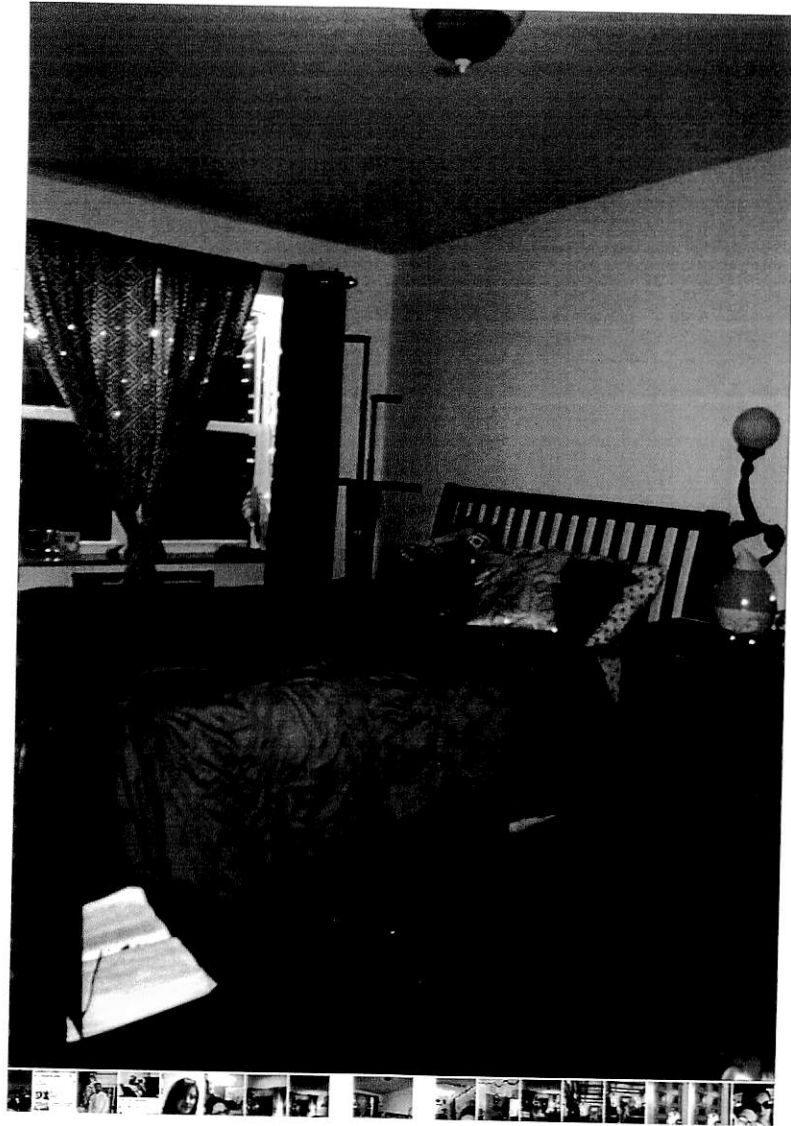
C



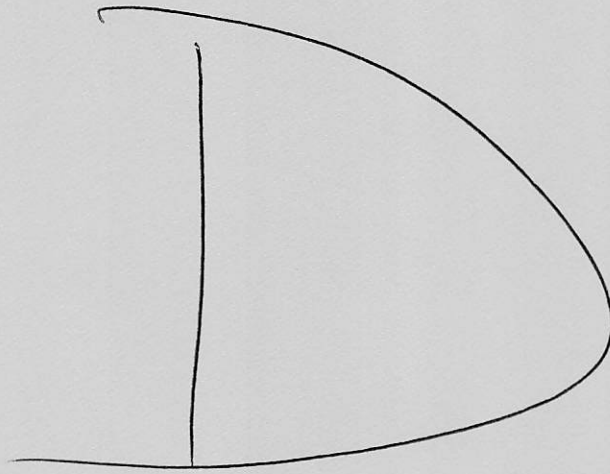
C



C

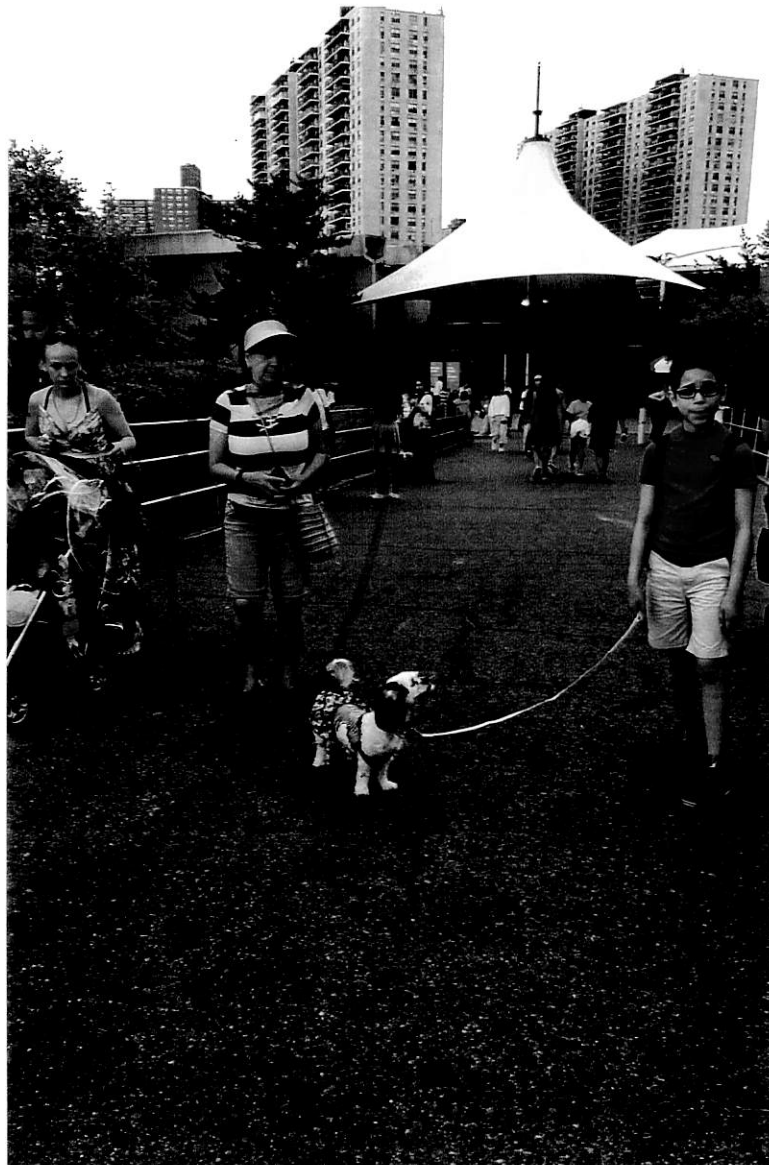


C





D



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